

# **LEGAL AWARENESS & CONFIDENCE BUILDING AGAINST SEXUAL HARASSMENT AT WORK PLACE**

A campaign among Government employees of Thrissur Revenue District  
with active cooperation and participation of the District Authorities

## **A REPORT**

One of the evils of the modern society is sexual harassment caused to the women particularly the working women by their male counter parts and other members of the society. Recent report published by the National Crime Records Bureau (NCRB) shows that this heinous crime is increasing alarmingly. Sexual harassment infringes the fundamental right of women to gender equality under article 14 of the Constitution of India and her right to life and live with human dignity under Article 21 of the Constitution which includes right to safe environment, free from sexual harassment. The right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by International Conventions and Instruments such as Convention on the Elimination of all forms of Discrimination against Women (CEDAW) that has been ratified by India.

It has been only six years since sexual harassment was, for the first time, recognized by the Supreme Court as human rights violation and gender based systemic discrimination that affects women's right to life and livelihood. The Supreme Court in Vishakha Vs. State of Rajasthan (1997) has formulated guidelines to address sexual harassment until a suitable legislation is enacted. But unfortunately a study conducted by the Centre for Women Studies in Delhi shows, nearly 60 % of the working women are not aware of the case law, nor do they know about the criminal procedure when they are attacked or abused. Actually there is no law in India which is adequate to combat the evil. Hence, in Vishakha's case the Supreme Court laid down a number of guidelines to remedy this legislative vacuum. The Supreme Court has demonstrated great judicial activism by enabling and empowering those working women who were subjected to sexual harassment and gender based cruelty at work place to initiate criminal proceedings, disciplinary action and also seek compensation from the guilty employer/employees. In this case the court issued 10 directions that are to be followed by the citizens, otherwise would amount to contempt of court, again actionable in law. An appropriate 'Complaints Mechanism' has to be established in the employer's organization for redressal of the complaints made by victim, so that the Complaints Committee ensures fast, effective, judicious and time bound action on the complaint. The Committee is to be headed by a woman, and not less than half of its members shall be women.

The honourable apex court also directed, Anti-Sexual Harassment Committees to be established in all government, private and unorganized sectors where women are employed or engaged in work. Further, to prevent the possibility of any undue pressure or

influence from senior levels, the Complaints Committee should involve a third party, either an NGO or other body who is familiar with the legal implications and ethical ramifications of sexual harassment. The Complaints Committee is deemed to be the enquiring authority for the purpose of standing orders and the report of the Committee shall be deemed to be an enquiry report based on which the disciplinary authority will act in accordance with the directives of the court. Accordingly, a Committee was constituted by the District Administration, Thrissur with the following members:

- 1) Deputy Collector (L. A), Collectorate, Thrissur
- 2) Deputy Collector (Election), Collectorate, Thrissur.
- 3) Smt. Shobhana, S.S (I. A) Collectorate, Thrissur.
- 4) Smt.C.V Annese, S.S., Revenue Divisional Office, Thrissur.
- 5) Smt. M Girija, Addl. Thasildar, Mukundhapuram.
- 6) Smt.E.S Pushpavally, H.S.Collectorate , Thrissur.
- 7) Sri Donattus, Special Thasildhar, L.A Municipality, Thrissur.
- 8) Sri K.R Vasudevan, Special Thasildar, Thrissur
- 9) Smt.K.K Thilakam, Thasildar, Chavakkad.
- 10) Sri Suresh, N.I .C office, Collectorate, Thrissur
- 11) Adv.George Pullikuhiyil, Executive Director, Jananeethi, Thrissur.

Thanks to the sensitivity and dynamism of our beloved collector of Thrissur, Dr.M.Beena who strongly endorsed the idea of a mass education and sensitization among the government servants, at one of its monthly meetings, held on 26-06-07, the Committee decided to initiate a legal awareness campaign among government servants in all the five Taluks of Thrissur revenue district, precisely on the issue of sexual harassment at work place. Adv George Pullikuthiyil, Excecutive Director of Jananeethi, who proposed the idea and vehemently argued for its early implementation, volunteered on behalf of Jananeethi to provide resource persons for the conduct of awareness building programmes.

Jananeethi Institute for Research and Training in Democracy, Human Rights, Rule of Law, Conflict Resolution, Gender, Environment and Community Health has initiated dozens of similar clinical legal education at several places in Kerala and outside. Having its registered office in Thrissur, Jananeethi from the year 1995 has addressed tens of thousands of women of low income groups in the rural areas, on an average of 50,000 to 75,000 women a year, enabling them to resolve domestic based, marriage related problems upholding the dignity and freedom of women. Advocate Faritha Ansari, the head of the department of law of Jananeethi, was assigned by Jananeethi to conduct the awareness programmes as desired by the District authorities. Smt.Marikutty, the Deputy Collector (LA) and chairperson of the Committee, sent word to every Taluk office and passed strict instructions to officers concerned so that invariably all government servants of the department of revenue in the district of Thrissur attend with out fail the discourses by Advocate Faritha Ansari and actively take part in the ensuing discussions on various practical issues emanating from the implementation of the court order.



Legislations, Court orders, International covenants etc do not make sense and prove colossal failure unless the people for whom such rules and laws are made, are kept ignorant of them. It is the duty of the local administration and civil society groups including non-governmental organizations, voluntary agencies and community based organizations to see such rules and laws are made known to people. This is more pertinent with respect to people of rural areas since the urban population have various means to come to know about them formally or otherwise.

The awareness building sessions organized by the District revenue department on the anti-sexual harassment laws for its own employees become pivotal for the said reasons. Even after twenty years of the Supreme Court directions to the law enforcement authorities and institutions of public and private sectors with regard to the measures to be taken to combat sexual harassment at work place, it was revealed by and large, the government servants were not aware of the case, nor the mandatory regulations imposed on the institutions.

As desired by the district collector, the separate sessions were conducted at respective Taluk head quarters on different dates. There were two sessions each for the employees of the Civil Station, Ayyanthole and Mini Civil Station, Palace Road. The sessions were to be completed before the end of July 2007, but had to postpone to September in consideration of the heavy rains and preoccupations of the government servants due to the out break of virus fever all over.

The successive awareness building programmes were arranged as per the following schedule:

Sl. No:	Date	Place	No: of participants
1	4-7-07	Mini civil station, Palace Rd.	42
2	5-7-05	Mini civil station, Palace Rd.	28
3	5-9-07	Mukundhapuram Taluk.	117
4	7-9-07	Chavakkad Taluk	49
5	10-9-07	Civil Station, Ayyanthole	36
6	11-9-07	Kodungallore Taluk	74
7	12-9-07	Civil Station, Ayyanthole	68
8	20-9-07	Thallappilli Taluk	44

The dynamics of each session were as follows:-

Lectures with aid of transparencies,

Floral participation, clarifications

Case laws, anecdotes

IEC materials, including brochures, leaf lets, folders, posters etc.



Women are ordinarily found to be suffering from ‘legal poverty’ that restricts or impairs their ability to seek justice. Interactive session was held with the audience and discussed issues like Constitutional provisions to protect their rights, penal provisions for violations thereof, criminal procedure followed in the courts and the evidences essential to support the victim etc. Men, generally, were skeptical about the motives of the law and the verdict. They opined that the law and its good will was misappropriated by vested parties to indulge in unnecessary litigations for unfound reasons including personal vengeance.



During the interactive sessions, concerns were raised by women employees that gender bias and sexual discrimination and also male-female power equation prevailing in the society. They said that the cruelties against women were founded on the deep rooted conventions and myths that exist in community.

These sessions were also taken as opportunities to deliberate and to sensitize on the currently debated Sexual Harassment (Prevention of) Bill 2005 at national level. Participants’ comments and views were invited on the merits and demerits of the Bill, its loopholes, practical limitations and cultural relativism etc. Some of the participants expressed their helplessness to approach the court, since they do not receive any support from their own family, friends and colleagues. Others were concerned of the probable adverse consequences and victimization by the colleagues and friends including persecutions and harassments by the institution to the extent of termination of jobs with out reason and so on. Victims of torture, abuse or organized violence are often left alone to face extreme social boycott while the perpetrators are organized, justified and protected by the State and law enforcement institutions.



### **Observations:**

- There was good cooperation and good will of the officers concerned at respective places.
- The workshops were well appreciated by the participants.
- There was active participation in the class and in the ensuing discussions.
- Protection against Sexual Harassment at Workplace Bill 2007 needs to be critically gauged and loopholes are to be properly guarded.
- Establishment of Complaints Committee as envisioned in Vaishaka case is mandatory, but most of the institutions in the State have not responded to it positively.
- Despite the Complaints Committee in respective institutions, victims of sexual harassment and gender related violence do not dare to make complaints for the fear of adverse consequences.

### **Suggestions:**

1. Adequate publicity and information with regard to the existence of the Committee and its functions are to be disseminated to the lower hierarchies of workers/employees.
2. Selection of members to the Committee must be done cautiously. Sensitivity of the members are vital and of paramount importance.
3. Victim support system and measures to be introduced and implemented.
4. Posters, wall maps, stickers etc must be affixed at key places both in offices, in public places and centres of public activities.
5. Mis-use of the law, if proved, should be seriously dealt with.

Taking into consideration of these suggestions Jananeethi proposes a high level meeting of eminent judges, jurists, lawyers, civil servants and law enforcement bodies to discuss the Bill on sexual harassment at workplace (2007) so that the procedure and punishment for the offence shall necessarily be brief and quick.

Prepared by Advocate Faritha Ansari  
Senior Law Officer, Jananeethi Institute.